



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Summary record of the 966th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 9 November 2010, at 10 a.m.

Chairperson: Mr. Grossman

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention

Fourth to sixth periodic reports of Ecuador (continued) (CAT/C/ECU/4-6; CAT/C/ECU/Q/4; CAT/C/ECU/CO/3)

1. *At the invitation of the Chairperson, the members of the delegation of Ecuador took places at the Committee table.*
2. **Ms. Amores** (Ecuador), replying to questions asked at the previous meeting, said that because torture was not classified as an offence in the Criminal Code, some prosecutors had based their action on offences against human life. Her Government realized that was insufficient, however, which was why the Bill relating to Redress for Victims of Human Rights Violations, which did criminalize torture and other crimes against humanity, had been submitted to the National Assembly on 8 June 2010. Once it was adopted, there would be specific provisions to punish acts of torture. In addition, in May 2010 the Military Criminal Code had been repealed and replaced by the Military Criminal Code Reform Act for the Criminalization of Offences Committed by Police and Military Forces. Article 602 (40) of that Act specified that torture and other cruel, inhuman or degrading treatment of a protected person was punishable by 12 to 16 years' special long-term imprisonment.
3. Article 11, paragraph 3, of the Constitution stipulated that domestic laws were not required for the rights guaranteed by international treaties to be enforced. There had been several cases when that provision had been applied by the courts. The Constitution did not restrict the right to due process for individuals accused of drug trafficking. However, those individuals did not enjoy certain benefits granted to other persons deprived of their liberty, such as the reduction of sentences.
4. The 24-hour limit on pretrial detention was guaranteed by Ministerial Order No. 1,699. As of October 2010, there had been 497 individuals in pretrial detention centres, which represented a significant reduction in the percentage of all detainees who were under pretrial detention. In August 2010, the Ministry of the Interior had issued guidelines stating that an order from the competent authority was required prior to any detention.
5. The State and Public Security Act had been adopted on 28 September 2009, replacing the former National Security Act. Article 33 of the new Act stipulated that abuse of power by any State official would be punished in accordance with international human rights instruments.
6. The State reached amicable settlements with victims of torture regarding compensation; it did not conclude such settlements with perpetrators of torture concerning non-sentencing.
7. In compliance with paragraph 16 of the Committee's previous concluding observations (CAT/C/ECU/CO/3), Ministerial Order No. 1,435 called for the reopening of cases which had not been properly investigated or in which new evidence against police officers had come to light. Specialized intensive training had been provided for officers investigating internal matters. A special unit had been established under the Human Rights Department to investigate human rights violations. In 2010, that unit had handled 180 complaints of human rights violations and was currently investigating the cases referred to it by the Truth Commission, as well as 45 earlier cases. The Fybeca, Terranova and Peña Bonilla cases had all been reopened, and the initial results of those proceedings had been released in November 2010. They included proposals on changes in recruiting, training and safeguarding the mental health of police officers, in order to ensure that similar events did not occur in the future.

8. From 1 December 2007 to 20 October 2010, the Ombudsman's Service had handled 39,678 cases, of which 30,113 had been criminal cases. Those figures demonstrated the impact of the Ombudsman's Service in making justice accessible to persons who traditionally had been unable to afford legal action. Its financial and human resources were being increased to the same level as those of the Public Prosecutor's Office, and the number of ombudsmen for persons deprived of their liberty had been increased to 127. The management model used by the Ombudsman's Service did involve contracting the services of accredited private defenders, who were periodically evaluated.

9. Since the adoption of an oral accusatory system of justice in 2000, the Public Prosecutor's Office had been responsible for all criminal investigations. The Judicial Police was an auxiliary body made up of specialized members of the National Police who helped the Prosecutor's Office to carry out those duties. In recent years, enormous resources had been provided to strengthen the Prosecutor's Office, the Ombudsman's Service, criminal court judges and the Judicial Police. More than \$4 million had been invested in 2009 to modernize the laboratories and equipment used by the Judicial Police. The Government recognized the need for more private criminal investigation bodies and more non-police experts in view of the fact that there were currently very few such bodies or experts.

10. Article 76 of the Constitution provided that only the police could detain an individual, and to do so they must possess an order from the competent judicial authority. Supervision of the detainee was the responsibility of the police in the detention centre, while the interrogation was conducted by the Public Prosecutor's Office in the presence of defence counsel.

11. The crisis in the justice system was caused by various factors, including pressure from political parties. A new Council of the Judiciary was soon to be elected, which would be a first step in reforming the judiciary. It was true that the justice system failed to apprehend the majority of offenders, which had created a sense of impunity. The Government was currently placing emphasis on preventing violence, reducing the general perception of a lack of security, preventing impunity and compensating victims.

12. **Ms. Moncada** (Ecuador) said that the Ministry of Justice and Human Rights had drafted a bill on equality outlining the obligations of public and private entities to adapt their policies and practices in order to respect the right to equality. With regard to the Equality Councils, the bill also regulated the nature, composition and structure of the Gender, Intergenerational, Peoples and Nationalities, Disabilities and Human Mobility Councils. The Secretariat for Peoples and Social Participation was currently deciding the best way to disseminate the bill.

13. The mandate of the Truth Commission had been extended after the submission of its final report in order to ensure a smooth transition and transfer of information to the Public Prosecutor's Office. It was hoped that the adoption of the Bill relating to Redress for Victims of Human Rights Violations would result in a follow-up mechanism that would ensure the implementation of the Truth Commission's conclusions and recommendations. The special unit established by the Public Prosecutor's Office to investigate human rights violations would investigate the 118 cases submitted by the Commission.

14. The above-mentioned Bill was currently being considered by the Administrative Council of the Legislature and was expected to be adopted in 2011. As of 31 August 2010, there had been 501 unconvicted detainees and 831 juvenile offenders in Ecuador. Article 325 of the Children's and Youth Code stipulated that from the moment juveniles were detained they had the right to communicate with their parents or guardians.

15. On the question of the rehabilitation for detainees, efforts were made to treat them as members of a social group throughout their detention. The "Comprehensive support for people in custody" model aimed to substantially improve the support provided in

rehabilitation centres and included training for the staff involved. Infrastructural improvements centred on providing areas that would encourage rehabilitation, such as areas for vocational training workshops and clinics. Training for prison guards was aimed at drastically reducing instances of punishment and confinement in the prison system.

16. To address the problem of overcrowding, new social rehabilitation centres had been built in various cities and more were under construction. Those measures, together with the improved access to justice as a result of the establishment of the Ombudsman's Service in 2009, had reduced prison overcrowding by 70 per cent. The problem should be solved completely within the next 18 months. The doctors who treated detainees were employed by the Ministry of Public Health.

17. In 2010, only five complaints of ill-treatment had been filed in social rehabilitation centres and support centres for juvenile offenders. The discrepancy between that figure and that in the report by the Foundation for Integral Rehabilitation of Victims of Violence (PRIVA) was due to the fact that PRIVA had used information obtained through interviews, while the State party's report was based on the number of complaints filed through the prison system.

18. The Subsecretariat for Human Rights and the Subsecretariat for Social Rehabilitation within the Ministry of Justice and Human Rights were the main bodies responsible for monitoring the rights of persons deprived of their liberty. Together with the Ombudsman's Service, they had carried out seven visits to social rehabilitation centres, some unannounced, over the previous six months and were preparing a joint report on their findings. In addition, the work of the Public Prosecutor's Office and other judicial bodies gave them the authority to monitor observance of human rights in prisons.

19. The armed conflict and drugs production in Colombia were having devastating effects on the region of Ecuador bordering that country. The region was used to traffic drugs, arms and people, and the local population was extremely vulnerable to armed conflict and endemic violence. The Ecuadorian armed forces and police had devoted significant resources to an attempt to protect the population.

20. An estimated 135,000 Colombian nationals had sought refuge in Ecuador, and under the "extended registration" (*registro ampliado*) system, between March 2009 and March 2010 over 27,000 Colombians had been granted refugee status, giving them the same rights as Ecuadorians. UNHCR had provided technical assistance in that respect and recognized "extended registration" as one of the most effective and flexible international protection procedures in the world. An exception had been introduced for Colombian nationals, who were not required to submit details of any criminal record they had as part of their application for refugee status. The Constitution guaranteed non-refoulement of refugees and applicants for refugee status, and a protocol on deportation procedures guaranteed due process, international protection on Ecuadorian soil, the right to appeal, and protection from deportation for victims of human smuggling and people trafficking.

21. All police officers working on the border with Colombia had undergone extensive training in human rights, human mobility, trafficking in persons and issues concerning refugees. The armed forces had also been trained in human rights and international humanitarian law, and had been issued with a set of regulations for dealing with civilians in border areas. In January 2010, a handbook on human rights and human mobility had been issued to members of the armed forces and the National Police.

22. In 2007, some 2,900 applications for refugee status had been granted; the figures for 2008 and 2009 had been approximately 4,650 and 26,240. The recognition of refugees, non-refoulement, implementation of the 1951 Convention relating to the Status of Refugees and the Cartagena Declaration on Refugees, and the right to due process were all established in Executive Decree No. 3,301. Ecuador now implemented the Cartagena

Declaration and did not share information on refugees or applicants for refugee status with Colombia or any other State. All refugees and applicants had the right to work.

23. The National Police handled cases of sexual violence through its National Children's and Adolescents' Special Police Bureau and its Domestic Violence Department. Furthermore, a centre providing comprehensive care to victims of sexual violence was being set up in an attempt to combat such violence, particularly on the border with Colombia. Internationally-backed programmes were being implemented to improve access to justice and humanitarian assistance, and to combat human trafficking. Refugee children enjoyed the same rights as Ecuadorian children, including protection against trafficking, people smuggling, exploitation and child labour. Comprehensive child protection systems were in place nationwide.

24. The armed forces' Department of Human Rights and International Humanitarian Law oversaw the forces' activities relating to human rights and international humanitarian law and ensured that all personnel were aware of the need to comply with the relevant national and international norms through continuing training. It also provided advice and assistance to the authorities and kept a record of alleged violations of human rights, following up all cases. The military justice system was still in a transition period in the wake of the entry into force of the 2008 Constitution, as outlined in paragraphs 128 to 180 of the periodic report.

25. The Human Rights Department within the Ministry of the Interior had developed a five-year programme to eliminate torture from police activities; it included specific indicators concerning torture and cruel, inhuman and degrading treatment. It was also promoting the implementation of short- and long-term structural solutions to prevent human rights violations. It exercised internal oversight within the police and had increased the transparency of its work in recent years. In addition, the Ministry of the Interior had established an investigations unit which made impartial inquiries into allegations of human rights abuses by police officers. It worked in close coordination with civil society and the Ombudsman's Service. Some 118 investigations had been launched into allegations of grave violations of human rights by the police. The National Police Internal Affairs Unit and the Ministry's Human Rights Department had conducted thorough investigations into allegations of torture by police officers. They had submitted their reports to the Public Prosecutor's Office, which had in turn launched investigations and remanded 16 police officers in custody. As of May 2010, cases that had previously been tried under military justice had been transferred to the ordinary justice system and military detention centres had been closed down.

26. In August 2010, new guidelines on detention had been issued, following a consultation process that had involved several national and international bodies, including ICRC and OHCHR. The guidelines regulated the procedures for arrest and detention, the progressive use of force and lethal and non-lethal weapons, and instructions on the use of firearms. They stipulated that the reason for detention must be explained to detainees in clear and simple terms. Some 42,000 copies of the updated edition of the human rights handbook had been distributed to police officers, informing them of the provisions of the 2008 Constitution. The handbooks were used as teaching materials in initial and continuing police training and to train human rights instructors, who would be able to deliver additional training nationwide.

27. The preliminary draft of a bill on coordination and cooperation between indigenous justice and ordinary justice was on its third reading in the Executive, after which it would come before the National Assembly for adoption. It had been drafted in consultation with indigenous leaders and incorporated the recommendations of the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. Once the bill was enacted, indigenous justice would be implemented with full

respect for human rights, guaranteeing, inter alia, the right to life and to physical, mental and sexual integrity. It prohibited cruel, inhuman and degrading treatment by officials, and guaranteed due process.

28. The Government did not promote or endorse peasants' defence groups or any other type of community law enforcement association. The Ministry of Justice and Human Rights had begun outreach work with the defence groups and civil society in order to ascertain the membership, representation and actions of the groups. As part of the Government's efforts to increase security, it had strengthened the role of community police and increased the relevant resources and training for the National Police.

29. At the most recent meeting the Government had held with the Sarayaku indigenous people in July 2010, the completion of the first phase of removal and destruction of pentolite had been evaluated. The Government was looking into the possibility of hiring an independent expert to examine the additional demands the Sarayaku had made at that meeting. It had also consulted the Inter-American Court of Human Rights on the payment of expenses incurred by members of the Sarayaku community who had to travel to participate in the meetings. Officials from several agencies had made visits to consult with the community and monitor the protection measures that had been implemented for them. In 2010, the Ministry of Justice and Human Rights had allocated a budget of almost \$50,000 to those protection measures. Given that they were preventive measures, reparation was not relevant to that case, but judicial proceedings were being brought against the persons who had issued the threats that had resulted in the implementation of the protection measures. Follow-up visits had also been made to inspect progress on the maintenance and building work on the airstrip. The reported clashes between members of the Kutucachi and Sarayaku communities fell under the jurisdiction of indigenous justice.

30. Turning to specific cases, she said that 29 prisoners had been transferred from Guayaquil prison because the authorities had discovered that they had been running criminal networks from inside the prison. All their rights had been respected, including the right to lodge complaints of alleged violations of their rights. They had been transferred to a high-security facility in Guayaquil and had at no time been subjected to torture or ill-treatment.

31. The case of Georgi Cedeño and Pico Zambrano was under investigation; administrative proceedings had been initiated against the 16 accused individuals.

32. Leidy Vélez and her family had been given protection under the witness and victim protection regime. Her case had been reopened and was currently under investigation.

33. The application for judicial review of the 9-year prison sentence imposed on the three police officers held responsible for the death of Paúl Guanuña had been rejected on the grounds that there was no new evidence to suggest that they had not failed in their duty to protect the young man's life.

34. It was true that the authorities needed to redouble their efforts to investigate the deaths of persons who had been killed over the border in Colombia and whose bodies had been dumped in El Carmen (Sucumbios Province), and of the victims of gang warfare in the area.

35. In the case of Germán Ramírez Herrera, the public prosecutor in charge of the case had confirmed that that human rights defender had been found dead on 6 July 2010. Mr. Ramírez had documented alleged cases of extrajudicial killings, torture, cruel, inhuman and degrading treatment, and other issues in the Quevedo social rehabilitation centre. The request by his wife and two daughters for protection had been granted. Owing to the confidentiality clause in the Code of Criminal Procedure relating to cases under investigation, the only information available was that Mr. Ramírez had died from cardiac

arrest due to bullet wounds to the head. Local witnesses had seen Mr. Ramírez being removed from a car by its three occupants, one of whom had shot him twice before fleeing on a motorcycle. The investigation into his death was still in the preliminary stages.

36. The Inter-American Commission on Human Rights (IACHR) had recently for the first time in its history accepted an action by one State against another in the case of Mr. Aisalla Molina (“Angostura” case). One Ecuadorian and persons of other nationalities had died in the attack by a neighbouring country. In submitting the action, Ecuador had demonstrated that it wished to resolve conflicts in a peaceful manner; the acceptance of the case by the IACHR represented a step forward for justice.

37. A reply to the letter from the Committee following the submission of Ecuador’s fourth to sixth periodic reports had been sent by electronic mail on 14 July 2009 and attached to note No. 3884/DGDHAS on 16 July 2009. A copy of the documents had been forwarded to Ms. Gaer.

38. She confirmed that there had been no suppression of human rights following the state of emergency declared on 30 September 2010.

39. Several members of the Committee had asked what action Ecuador was taking to combat sexual violence and to prevent a repeat of cases such as that of Paola Guzmán. The Government had established a National Plan for the Eradication of Gender Violence and had funded an awareness-raising campaign for schools and families, especially in those regions where sexual violence within families had been found to be particularly prevalent.

40. Replying to the question about the forced hospitalization of persons with disabilities, she said that, in addition to a law providing legal and constitutional safeguards, it was proposed that habeas corpus should be introduced as a means of protection against arbitrary deprivation of liberty. The Manuela Espejo programme had been set up to help persons with disabilities and there would be no forced hospitalizations.

41. A national mechanism to prevent torture in Ecuador had been set up one month previously. It would establish a process of harmonization with the work of the Committee, with the strong participation of civil society.

42. Her delegation would submit documentation to the Committee concerning amendment of the law relating to offences committed by the military and the police. It would also provide information on action taken to protect victims of violence, the text of a protocol on deportation and a copy of a human rights manual used by the police and the judiciary.

43. The delegation would reply in writing to all of the Committee’s outstanding questions.

44. **The Chairperson**, speaking in his capacity as First Country Rapporteur, said that Ecuador had made progress in updating its laws but further action was still required. A definition of torture, as outlined in article 1 of the Convention, together with the appropriate sanctions, should be introduced into domestic legislation and, in particular, into the amended Criminal Code.

45. He invited the delegation to give examples of where the Convention had been directly applied in the State party. It should be noted that rape could also be considered a form of torture. He wished to know what specific allegations of torture had been made in Ecuador and whether they had been investigated.

46. He asked in how many cases there had been a failure to bring an accused before a judge within 24 hours and what action had been taken as a result, including sanctions against the persons responsible. Each detainee should be read their rights upon arrest. He wished to know in what manner police officers received instructions to that effect. Could

the delegation provide a copy of a “Miranda rights card”? Had there been complaints from detainees who had not been read their rights? Once domestic law had been amended, it would be necessary to provide further training for the police and judiciary and to introduce mechanisms to monitor complaints concerning non-compliance with the law.

47. It was very important that Ecuador should reduce the length of time during which detainees were held without trial. He wished to know the number of convicted and unconvicted prisoners in the State party.

48. With reference to article 14 of the Convention concerning the right to redress and compensation, he invited the delegation to provide further information on how perpetrators were held accountable for their acts and on the outcome of the amicable settlements referred to in paragraph 211 of the report (CAT/C/ECU/4-6). The fight against impunity was a central issue in the prevention of torture; punishing one perpetrator could have more effect than a thousand training sessions.

49. There had been an increase in resources allotted to the Public Prosecutor’s Office. He asked what human and financial resources had been allotted to the Ombudsman’s Service. Was there a procedure for challenging the decisions of the Public Prosecutor’s Office or for bringing a complaint against it? Could victims claim damages or launch an appeal independently of the judicial process in cases concerning torture? He understood that a law on compensation for victims would be introduced in 2011. He asked the delegation to provide a copy of the relevant bill so that the Committee could verify that it was in line with the provisions of article 14?

50. As stated in article 3, no State party should expel or return a person to a country in which they would be in danger of being subjected to torture. Was there a law allowing persons facing deportation orders in Ecuador to appeal against them and, if so, how were they informed of their rights?

51. He wished to know the methodology used by the State party to record the number of complaints concerning torture. The official number of complaints appeared very low; perhaps some victims were afraid to come forward. It would be important to analyse the reporting mechanisms and ensure their credibility.

52. Sexual violence in schools was a significant problem in Ecuador: the case of Paola Guzmán who had been raped and subsequently committed suicide was a terrible example. He wished to know what resources had been allocated to eliminating gender violence in general and to the police for that purpose? How many convictions had there been for sexual violence and under what laws had prosecutions been brought?

53. He welcomed the State party’s consultations with stakeholders and, as an ex-refugee, he appreciated the incorporation of the Cartagena Declaration on Refugees of 22 November 1984 into the national legislation. He invited the delegation to provide information on how the Declaration was applied in practice.

54. How did the State party work with vulnerable groups, particularly in the border regions, given the shortcomings of investigations in those areas?

55. All professional bodies needed independent oversight. He asked whether the State party intended to set up a high-level committee to investigate the activities of law enforcement bodies, as recommended by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment.

56. **Mr. Mariño Menéndez**, Second Country Rapporteur, asked what institutional guarantees were available to persons in need of international protection, particularly Colombian nationals in border areas. The 1963 Vienna Convention on Consular Relations

required that the sending State should be notified of the arrest or detention of a national of that State. Were Colombian consulates notified in accordance with that Convention?

57. He wished to know what constitutional controls were in place concerning the human rights of indigenous peoples and which body was responsible for oversight in that area. Some indigenous peoples chose to live in isolation and their choice should be respected.

58. According to the delegation, interrogations were conducted by public prosecutors or by Judicial Police officers under the supervision of the relevant public prosecutor's office. He expressed reservations about the wisdom of delegating such duties to the Judicial Police and asked whether audio-visual recordings were made of interrogations. If it emerged during the course of an interrogation that a suspect might be involved in international organized crime, was the information shared with the relevant authorities in other countries?

59. Referring to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, he joined the Chairperson in urging the State party to consider establishing an independent police oversight body.

60. He asked whether there were any figures concerning deaths in police custody.

61. Welcoming the steep decline in the number of persons being held in pretrial detention, he asked whether the state of emergency that had been declared in connection with the problem of overcrowding in prisons had been lifted. He also wished to know whether there were any prison inspection judges in Ecuador.

62. He enquired about the therapeutic communities of the social rehabilitation centres mentioned in paragraph 128 of the report. Did they operate within the rehabilitation centres or outside?

63. With regard to the Government's judicial reform plans, he emphasized the importance of preserving the independence of the judiciary and asked whether the executive branch would be involved in the appointment of judges, especially appeal court and Supreme Court judges.

64. He understood that the rural defence councils had been created spontaneously by local communities but that the Government was currently monitoring them with a view to bringing them under State control. What stage had been reached in that process?

65. **Mr. Bruni**, referring to allegations of torture in places of detention, said that the Chairperson's suspicions that an atmosphere of fear and intimidation might deter detainees from speaking openly had been confirmed by the report of the Foundation for Integral Rehabilitation of Victims of Violence (PRIVA), which stated that there was a worrying discrepancy between the instances of torture and ill-treatment reported to PRIVA, the number of official complaints received by the Ecumenical Human Rights Commission and those referred to in the State party's report. In PRIVA's experience, the discrepancies were at least partly due to fears of reprisals and a lack of rights awareness. He asked whether the authorities had considered paying a visit to the Quito No. 2 Social Rehabilitation Centre for Men and perhaps other detention centres to establish the facts. According to PRIVA, 41 per cent of the inmates at the Quito centre had claimed to have been subjected to torture or ill-treatment. The Committee would also be interested in hearing about the findings of the Ombudsman's Service, which, according to the delegation, had paid seven visits to places of detention.

66. **Ms. Belmir** welcomed the steps being taken by the State party to review the machinery for ensuring oversight of the judiciary. She noted, however, that the judicial system was subject to external pressure from political parties. The Inter-American Court of Human Rights, in its judgement of 7 September 2004 in the *Tibi v. Ecuador* case, had encouraged the authorities to organize training and capacity-building programmes for the

judiciary, the Prosecutor's Office, the police and prison officers, including medical personnel. According to the Court, the courses should focus on the rules governing the protection of human rights in the treatment of detainees. As there were not enough judges to deal with the many pending cases, the legislature should provide additional funds to increase the number of judges. However, the credibility, impartiality and independence of judges, especially in criminal proceedings, was an internal matter that should be addressed by the judiciary.

67. NGOs and international organizations had reported that more than 30 per cent of acts of sexual violence against girls in schools were perpetrated by teachers. The State incurred responsibility in that regard at the criminal, civil and administrative levels. The teachers who committed such acts should be brought to justice and punished.

68. **Ms. Sveaass** agreed with Ms. Belmir that priority should be given to both awareness-raising campaigns and legal sanctions in dealing with sexual violence in schools. It was not just immoral but illegal to abuse young people's confidence in that way. She asked how many teachers had been dismissed for such acts. As children themselves were unlikely to go to the police, it was important to have health-care experts in schools to whom children could report their concerns in full confidentiality.

69. She would appreciate a more detailed response to her question about plans to render corporal punishment of children illegal.

70. According to the delegation, the Ombudsman's Service had visited social rehabilitation centres. Had it also paid unannounced visits to detainees in mental hospitals, who were an extremely vulnerable group? The national preventive mechanism to be established under the Optional Protocol to the Convention could perhaps be involved in such visits.

71. She asked for more information about how the State party proposed to integrate the Istanbul Protocol into its investigation system and about plans to establish more independent forensic centres. Although the Committee had been informed by the delegation about a large increase in the number of bodies engaged in investigating complaints of torture and ill-treatment, it was still unsure whether they were sufficiently independent of the police because, according to the PRIVA report, the Judicial Police were held to be responsible for 45 per cent of alleged cases of torture and ill-treatment and the National Police for 12 per cent of such cases.

72. **Ms. Amores** (Ecuador) said that, as a member of the National Assembly, she would be reporting to parliament on the delegation's dialogue with the Committee and would stress the importance of ensuring that the definition of torture in the country's legislation corresponded to that in article 1 of the Convention. The Committee would be provided with a text of the relevant bill for advice and comment.

73. **Mr. Bahamonde Galarza** (Ecuador) said that the constitutional provision requiring the incorporation of international treaties in domestic legislation was just two years old. There were no precedents to date of the invocation of such treaties in cases of torture. However, the cases submitted by the Truth Commission concerning events during the period 1984–2008 would present a major challenge in that regard, since many of the crimes committed were not subject to a statute of limitations.

74. **Ms. Espinoza** (Ecuador) said that Ministerial Order No. 1,699 prohibiting detention for more than 24 hours without bringing the suspect before a competent authority had been issued by the Ministry of the Interior and was binding on all police officers and public officials. For instance, foreigners involved in 22 deportation cases had been released, and the proceedings had been declared null and void because the 24-hour limit had been exceeded and the persons concerned had not been properly informed of their rights. In

addition, four senior police officers had been dismissed because of their failure to act on the Ministerial Order.

75. **Ms. Jarrín** (Ecuador) said that a person who was detained for more than 24 hours could apply for a writ of habeas corpus. There had been many such cases, not just in social rehabilitation centres, but also in hospitals to which persons had been taken without their consent. The authorities were developing indicators that would enable statistics of such cases to be compiled.

76. **Mr. Martínez** (Ecuador) said that one of the greatest achievements of the Ombudsman's Service had been the sharp decline in the number of remand prisoners in social rehabilitation centres. Only 1 per cent of all prisoners in Ecuador were remand prisoners. Pretrial detention was divided into two categories: the limit was 6 months for offences entailing ordinary imprisonment and 12 months for offences entailing rigorous imprisonment. Since 2007 the Service had succeeded in having more than 4,000 remand prisoners released. The new rehabilitation centres that were currently being built would be used only for convicted prisoners. The many complaints about inhuman conditions in existing detention facilities were perfectly justified. However, more than \$200 million were being invested in new buildings, which would house some 8,000 prisoners in modern conditions.

77. **Ms. Moncada** (Ecuador) said that the Ecuadorian authorities had taken many measures to protect refugees. The policy had been adopted by the National Security Council and the agenda involved integration, an expanded registry to ensure visibility and recognition of refugee status, and ratification of the 1951 Convention relating to the Status of Refugees and of the Cartagena Declaration. When an asylum-seeker or refugee arrived in Ecuador, he or she was issued with a provisional identification card, which guaranteed that he or she would not be deported even if it expired because no action had been taken by the authorities within the initial three-month period of validity. Even if no official decision was taken for two or three years, the person could not be deported. An applicant who was denied refugee status had 30 days to appeal against the decision. Any official who deported a person with the status of a refugee or asylum-seeker was liable to disciplinary action and the deportee would be readmitted to the country. There had only been three such cases since 2008.

78. Pursuant to article 76 of the Constitution, the police were required to ask foreign detainees whether they wished to get in touch with their consulate. However, they could not be compelled to do so.

79. **Ms. Jarrín** (Ecuador), commenting on the alleged lack of credibility of the judiciary, said that the State was fully committed to reform but the project was in the very early stages of implementation. For instance, the implementation of the new Organic Code of the Judiciary would require an investment of some \$300 million over the next three years, which was a very large sum for a small developing country. Action would be required to ensure that all prosecutors' offices, courts and tribunals operated in accordance with international standards. Major changes were also being undertaken in the Judicial Police and border police forces.

80. With a view to ensuring access to justice for vulnerable groups such as children and adolescents, the number of juvenile courts had been increased to more than 80 from just 37 in 2009. That had also required a huge investment. There were more than 40 boards for the protection of the rights of children and adolescents.

81. Her delegation had taken due note of the Committee's recommendations concerning improvements to the justice system, including the compilation of data that would assist the authorities in taking the requisite decisions.

82. The campaign to reduce gender and family violence had been launched only recently and the authorities would greatly appreciate any recommendations that the Committee might wish to make in that regard.

83. **Ms. Amores** (Ecuador) acknowledged that the budgetary resources allocated to the Ombudsman's Service were still inadequate, compared with the sums allocated to the Public Prosecutor's Office, which was introducing a new system and required funds for new staff and equipment. However, she hoped that greater balance would be achieved in the future.

84. Public prosecutors did not enjoy impunity. Article 131 of the Constitution actually empowered the National Assembly to dismiss the Attorney General.

85. **Ms. Moncada** (Ecuador) said that the dialogue with the Committee had given her country an opportunity to review the progress made to date in implementing the Convention and in fulfilling its commitment to promote a process of far-reaching change that would ensure the full enjoyment of human rights by all.

The meeting rose at 1.05 p.m.